



General Assembly

February Session, 2006

Raised Bill No. 381

LCO No. 1496

01496_____ED_

Referred to Committee on Education

Introduced by:
(ED)

AN ACT CONCERNING HEALTHY FOOD AND BEVERAGES IN SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2006*) (a) Except as otherwise
2 provided in subsection (b) of this section, each governing authority of
3 public schools and endowed academies approved pursuant to section
4 10-34 of the general statutes, shall permit at schools under its
5 jurisdiction the sale of only the following beverages to students from
6 any source, including, but not limited to, school stores, vending
7 machines, school cafeterias, and any fund-raising activities on school
8 premises, whether or not school sponsored: (1) Milk that may be
9 flavored but contain no artificial sweeteners and no more than thirty-
10 two grams of sugar per eight ounce serving, or four grams per ounce,
11 (2) nondairy milks such as soy or rice milk, which may be flavored but
12 contain no artificial sweeteners, no more than thirty-two grams of
13 sugar per eight ounce serving, or four grams per ounce, no more than
14 thirty-five per cent of calories from fat per serving and no more than
15 ten per cent of calories from saturated fat per serving, (3) one hundred
16 per cent fruit juice, vegetable juice or combination of such juices,

17 containing no added sugars, sweeteners or artificial sweeteners, (4)
18 beverages that contain only water and fruit or vegetable juice and have
19 no added sugars, sweeteners or artificial sweeteners, and (5) water,
20 which may be flavored but contain no added sugars, sweeteners,
21 artificial sweeteners or caffeine. Portion sizes of beverages, other than
22 water as described in subdivision (5) of this subsection, that are offered
23 for sale pursuant to this subsection shall not exceed twelve ounces.

24 (b) A governing authority of public schools or endowed academies
25 approved pursuant to section 10-34 of the general statutes may permit
26 at schools under its jurisdiction, the sale to students of beverages that
27 are not listed in subsection (a) of this section, provided (1) such sale is
28 in connection with a school sponsored event occurring after the end of
29 the regular school day or on the weekend, (2) such sale is at the
30 location of such event, and (3) such beverages are not sold from a
31 vending machine or school store.

32 Sec. 2. (NEW) (*Effective July 1, 2006*) Not later than August 1, 2006,
33 and January first of each year thereafter, the Department of Education
34 shall publish a set of nutrition standards for food items offered for sale
35 to students at schools. Such standards shall not apply to food sold as
36 part of the National School Lunch Program and School Breakfast
37 Program unless such items are purchased separately from a school
38 lunch or breakfast that is reimbursable under such programs.

39 Sec. 3. (NEW) (*Effective July 1, 2006*) (a) Each governing authority of
40 public schools and endowed academies approved pursuant to section
41 10-34 of the general statutes that participates in the National School
42 Lunch Program shall certify in its annual application to the
43 Department of Education for school lunch funding whether, during
44 the school year for which such application is submitted, all food items
45 made available for sale to students in schools under its jurisdiction and
46 not exempted from the nutrition standards published by the
47 Department of Education pursuant to section 2 of this act will meet
48 said standards. Except as otherwise provided in subsection (b) of this

49 section, such certification shall include food not exempted from said
50 nutrition standards and offered for sale to students at all times, and
51 from all sources, including, but not limited to, school stores, vending
52 machines, school cafeterias, and any fundraising activities on school
53 premises, whether or not school sponsored.

54 (b) A governing authority of public schools or an endowed academy
55 approved pursuant to section 10-34 of the general statutes certifying
56 pursuant to this section compliance with the department's nutrition
57 standards for food may exclude from such certification the sale to
58 students of food items that do not meet such standards, provided (1)
59 such sale is in connection with a school sponsored event occurring
60 after the end of the regular school day or on the weekend, (2) such sale
61 is at the location of such event, and (3) such food is not sold from a
62 vending machine or school store.

63 Sec. 4. Section 10-215b of the general statutes is repealed and the
64 following is substituted in lieu thereof (*Effective July 1, 2006*):

65 (a) The State Board of Education is authorized to expend in each
66 fiscal year an amount equal to (1) the money required pursuant to the
67 matching requirements of said federal laws and shall disburse the
68 same in accordance with said laws, and (2) ten cents per lunch served
69 in the prior school year in accordance with said laws by any governing
70 authority of public schools or endowed academies approved pursuant
71 to section 10-34 that participate in the National School Lunch Program
72 and certify pursuant to section 3 of this act that the nutrition standards
73 established by the Department of Education pursuant to section 2 of
74 this act shall be met.

75 (b) The State Board of Education shall prescribe the manner and
76 time of application by [local and regional boards of education]
77 governing authorities of public schools or controlling authority of the
78 nonpublic schools for such funds, provided such application shall
79 include the certification that any funds received pursuant to subsection
80 (a) of this section shall be used for the program approved. The State

81 Board of Education shall determine the eligibility of the applicant to
82 receive such grants pursuant to regulations provided in subsection (c)
83 of this section and shall certify to the Comptroller the amount of the
84 grant for which the [board of education] governing authority of a
85 public school or nonpublic school is eligible. Upon receipt of such
86 certification, the Comptroller shall draw an order on the Treasurer in
87 the amount, at the time and to the payee so certified.

88 (c) The State Board of Education may adopt such regulations as may
89 be necessary in implementing sections 10-215 to 10-215b, inclusive.

90 (d) The Commissioner of Education shall establish a procedure for
91 monitoring compliance by governing authorities of public schools and
92 endowed academies approved pursuant to section 10-34 with
93 certifications submitted in accordance with section 3 of this act and
94 may adjust grant amounts pursuant to subdivision (2) of subsection (a)
95 of this section based on failure to comply with said certification.

96 Sec. 5. Section 10-215a of the general statutes is repealed and the
97 following is substituted in lieu thereof (*Effective July 1, 2006*):

98 Nonpublic schools and nonprofit agencies may participate in the
99 school breakfast, lunch and other feeding programs provided in
100 sections 10-215 to 10-215b under such regulations as may be
101 promulgated by the State Board of Education in conformance with said
102 sections and under the federal laws governing said programs, except
103 that such schools, other than the endowed academies approved
104 pursuant to section 10-34, and agencies shall not be eligible for the
105 funding described in subdivision (2) of subsection (a) of section 10-
106 215b, as amended by this act.

107 Sec. 6. Section 10-221p of the general statutes is repealed and the
108 following is substituted in lieu thereof (*Effective July 1, 2006*):

109 Each [local and regional board of education] governing authority of
110 public schools and endowed academies approved pursuant to section

111 10-34, shall make available in the schools under its jurisdiction for
112 purchase by students enrolled in such schools nutritious [,] and low-fat
113 foods, [and drinks,] which shall include, but shall not be limited to,
114 [low-fat milk, one hundred per cent natural fruit juices and water at all
115 times when drink is available for purchase by students in such schools
116 and] low-fat dairy products and fresh or dried fruit at all times when
117 food is available for purchase by students in such schools during the
118 regular school day.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2006</i>	New section
Sec. 2	<i>July 1, 2006</i>	New section
Sec. 3	<i>July 1, 2006</i>	New section
Sec. 4	<i>July 1, 2006</i>	10-215b
Sec. 5	<i>July 1, 2006</i>	10-215a
Sec. 6	<i>July 1, 2006</i>	10-221p

Statement of Purpose:

To limit the distribution of unhealthy beverages and encourage the distribution of healthy foods and beverages to students in schools and to make minor changes to the school lunch program.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]